

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

3                   UNITED STATES OF AMERICA, }  
4                   Plaintiff, }  
5                   vs. }  
6                   JOSE LOPEZ TORRES, ALVIN GAITAN }  
7                   BENITEZ, CHRISTIAN LEMUS CERNA, }  
8                   OMAR DeJesus CASTILLO, DOUGLAS }  
9                   DURAN CERRITOS, MANUEL ERNESTO }  
                 PAIZ GUEVARA, and JESUS ALEJANDRO }  
                 CHAVEZ, }  
                 Defendants. }

## JURY TRIAL

\*\* EXCERPT: TESTIMONY OF LILIANA PORTWINE \*\*

BEFORE: THE HONORABLE GERALD BRUCE LEE  
UNITED STATES DISTRICT JUDGE

## APPEARANCES:

FOR GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE  
BY: JULIA MARTINEZ, AUSA  
STEPHEN M. CAMPBELL, AUSA  
TOBIAS TOBLER, AUSA

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## OFFICIAL COURT REPORTER:

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U.S. District Court  
401 Courthouse Square, 5th Floor  
Alexandria, VA 22314  
(703)501-1580

1 APPEARANCES (Continued)

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25 ELITA C. AMATO, ESQ.

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2

3                           WITNESS (Government) DIRECT CROSS REDIRECT RECROSS

4                           Liliana Portwine                           5                           34

5                           (End of excerpt)

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(Thereupon, the following was heard in open court at 10:07 a.m.)

3 THE CLERK: 1:14 Criminal 306, United States  
4 versus Jose Lopez Torres, Alvin Gaitan Benitez, Christian  
5 Lemus Cerna, Omar DeJesus Castillo, Douglas Duran  
6 Cerritos, Manuel Ernesto Paiz Guevara, and Jesus  
7 Alejandro Chavez.

8 THE COURT: Good morning.

9 Good morning, Counsel.

10 Good morning, defendants.

11 | Ready to proceed?

12 MR. LEIVA: Your Honor, if I may, my client  
13 is having difficulty.

14 THE COURT: Okay. Let's see if it's working.

15 THE INTERPRETER: It's okay. Try it again.

16 THE COURT: Is that better?

17 | THE INTERPRETER: Yes.

18 MR. LEIVA: Thank you.

19 THE COURT: You can bring the witness back.

20                   Oh, okay. The record should reflect, the six  
21 interpreters are present, being previously sworn.

22 You can bring the witness back, Mr. Toliver;  
23 Ms. Portwine.

24 You can bring the jury out.

25 (Jury present.)

1 (Witness resumed stand.)

2 THE COURT: You may be seated.

3 Good morning, ladies and gentlemen.

4 Good morning, Mr. Jose Lopez Torres.

5 Good morning, Mr. Alvin Gaitan Benitez.

6 Good morning, Mr. Douglas Duran Cerritos.

7 Good morning, Mr. Christian Lemus Cerna.

8 Good morning, Mr. Omar DeJesus Castillo.

9 Good morning, Mr. Manuel Ernesto Paiz

10 Guevara.

11 And good morning, Mr. Jesus Alejandro Chavez.

12 Counsel ready to proceed?

13 Good morning, Ms. Portwine.

14 THE WITNESS: Good morning.

15 THE COURT: You may proceed.

16 MR. LEIVA: I apologize, Your Honor.

17 THE COURT: No problem.

18 THEREUPON, LILIANA PORTWINE, previously duly  
19 sworn, testified further as follows:

20 CROSS-EXAMINATION

21 BY MR. LEIVA:

22 Q. Good morning, Ms. Portwine.

23 A. Good morning.

24 Q. Ms. Portwine, why don't we start first with your  
25 work experience and also your qualifications. Can we do

1 that?

2 A. Yes.

3 Q. Yes.

4 So, right now, are you currently employed by the  
5 FBI or are you a contractor with the FBI?

6 A. I'm a contractor.

7 Q. You're a contractor.

8 A. Yes.

9 Q. So, which company do you work for? Or do you have  
10 your own private company?

11 A. I'm an independent contractor.

12 Q. Independent --

13 A. -- I don't have --

14 Q. -- contractor. Very well.

15 I was reviewing your resumé and I see that you are  
16 not a member of the American Translators Association; is  
17 that correct?

18 A. That's correct.

19 Q. Okay. And, you have not taken the American  
20 Translators Association's certified test, have you?

21 A. I have not.

22 Q. Okay. You are also not a member of the  
23 International Association of Professional Translators and  
24 Interpreters, are you?

25 A. I am not.

1 Q. You are not a member of the National Capital Area  
2 Translators Association.

3 A. I am not.

4 Q. And, you are also not a member of the National  
5 Association for Interpretation, are you?

6 A. I am not.

7 Q. Okay. So, in other words, you are -- you are not  
8 certified to be an interpreter or translator, are you?

9 A. That's correct, I'm not.

10 Q. Okay. So, for example, the gentlemen and ladies  
11 who have been helping us in this court proceedings are  
12 certified to be federal court interpreters. You have not  
13 taken that test or been certified to be able to translate  
14 in a federal court.

15 A. Correct.

16 Q. Now, on direct examination, Ms. Martinez asked you  
17 about Spanish and how it's spoken differently in Latin  
18 America. If we can go into a little more of that, if you  
19 wouldn't mind.

20 A. No.

21 Q. So, Latin American is a pretty big place, isn't  
22 it?

23 A. Correct.

24 Q. All right. And, the Spanish that's spoken across  
25 Latin America is not the same country to country, is it?

1 A. It -- it's not the same.

2 Q. It varies by -- there's different dialects?

3 A. Correct.

4 Q. Different accents?

5 A. Correct.

6 Q. All right. And even within close proximate  
7 neighbors, let's say, for example, Mexico and Nicaragua,  
8 you have different colloquialisms that you use, right?

9 A. Correct.

10 Q. One word can mean one thing in Nicaragua and can  
11 mean another thing in Mexico.

12 A. Yes.

13 Q. All right. And someone who speaks Spanish in  
14 Argentina will not necessarily be able to understand  
15 someone who speaks Spanish in El Salvador.

16 I mean, there may be some difficulty. Let me put  
17 it that way.

18 A. I'm not sure. I -- I don't think that would be  
19 correct. I think they could communicate.

20 Q. So you think they can communicate. So, for  
21 example, someone from Boston would be able to communicate  
22 without any problems with someone from out in the country  
23 in Mississippi.

24 A. Sure. Yeah.

25 Q. And, you had mentioned earlier about some of the

1 dialect or slang that's used in El Salvador. Let's focus  
2 on that.

3 You would agree with me that Salvadorans for the  
4 most part respect their own dialect, right?

5 A. Yes.

6 Q. Okay. And, they use a lot of slang when they  
7 speak?

8 A. Yes.

9 Q. In other words, it's not proper or formal Spanish,  
10 is it?

11 A. A lot of it is not proper formal Spanish, yes.

12 Q. Okay. And, in cases where you believe you are  
13 listening to phone conversations that are between gang  
14 members, you have gang slang thrown into the slang that's  
15 spoken among Salvadorans.

16 A. Correct.

17 Q. And, I believe you testified that you weren't  
18 raised in Mexico; you were actually born in Mexico and  
19 immigrated to the United States when you were ten.

20 A. Correct.

21 Q. So, most of your formal education was in this  
22 country, I assume?

23 A. Yes.

24 Q. It was in English, right?

25 A. It was in English.

1 Q. In other words, you didn't attend an emergent  
2 school or bilingual school?

3 A. No.

4 Q. And, if you don't mind telling me, where in the  
5 United States were you raised?

6 A. Los Angeles; in Montebello, specifically.

7 Q. So, I would -- well, let me not assume anything.  
8 Let me ask you this question, Ms. Portwine. I'm assuming  
9 the Spanish that you learned was initially in Mexico?

10 A. Correct.

11 Q. All right. Then, I'm assuming, also, that you  
12 continued with your Spanish because that's what was  
13 spoken at home?

14 A. Correct.

15 Q. And, I'm assuming since you were born in Mexico,  
16 your parents were not Salvadoran.

17 A. They're not.

18 Q. Okay. So, your formative years of learning  
19 Spanish were in the household where Salvadoran slang  
20 wasn't spoken?

21 A. Correct.

22 Q. And I'm also going to assume that Salvadoran gang  
23 slack wasn't spoken.

24 A. It was not.

25 Q. So, when you started working for the FBI and you

1 started hearing this form of Salvadoran slang -- I'm not  
2 referring to the gang slang, but El Salvadoran slang --  
3 who did you go to for assistance with that?

4 A. When we first began, like I said, as -- when I  
5 started working for the FBI, we -- we started working  
6 with some -- I started working with the agents and we  
7 started working a case that was specific to El  
8 Salvadorans.

9 So, we were -- the agent brought us dictionaries,  
10 glossaries from other previous linguists and stuff like  
11 that. So --

12 Q. Okay. So, I'm assuming that you requested these  
13 dictionaries and glossaries because these were words that  
14 you had never heard before?

15 A. Yeah.

16 Q. Okay. Well, let's go back a little -- and let me  
17 be fair to you -- in chronological order, so we can kind  
18 of develop your work history here.

19 So, it's listed on your resumé that you served as  
20 a teacher/parent aid, right?

21 A. As a teacher what?

22 Q. I would say a teacher's aid, to help facilitate  
23 communication with parents of school children?

24 A. That was -- it was for teacher/parent conferences,  
25 or teacher/parent administrators conferences, not -- I

1 was a substitute teacher and I was a translator.

2 Q. Okay. But let's focus on the translator portion  
3 of your duties.

4 A. Okay.

5 Q. So you would assist parents who were not fluent in  
6 English when it came to parent/teacher conferences,  
7 right?

8 A. Correct.

9 Q. And that happened, what, two times a year?

10 A. Um, let's say, yes, twice a year.

11 Q. And, the length of the parent/teacher conference  
12 for a student lasted what, maybe five, ten minutes?

13 A. Approximately, yes.

14 Q. And, that's where you came into contact with  
15 people who were Salvadoran?

16 A. Correct.

17 Q. And, I'm assuming that given the subject matter,  
18 the conversations that they you were translating dealt  
19 with school work?

20 A. Correct.

21 Q. And, even though Salvadorans speak in slang -- and  
22 correct me if I'm wrong -- I'm assuming that when they  
23 went to meet their children's teachers, they attempted to  
24 formalize their Spanish and not speak in so much slang?

25 A. Um -- I don't know.

1       Q. Do you recall ever having an occasion during these  
2 teacher/parent conferences, when you were a translator  
3 for Salvadoran parents, where you had to ask them to  
4 define a certain term or word that they were using?

5       A. No.

6       Q. So, you also have listed in your work history  
7 that -- and I believe that you had mentioned on direct  
8 that you worked for a trucking company?

9       A. Correct.

10      Q. All right. And, here's where I lost a little bit  
11 about what you said. You said you called for  
12 directories?

13      A. No. I -- I called the CEOs of companies, Mexican  
14 trucking companies, and I got detailed information about  
15 their -- their product or their trucks, their --

16      Q. Was it a sales call that you were performing?

17      A. It was not a sales call.

18      Q. Okay. But it was information that you were  
19 obtaining, I'm assuming, for the company salesmen, for  
20 the company you worked for, their sales people?

21      A. Not for the sales people. The information was  
22 gathered to be put into a directory, and then the  
23 directory is sold. When a different company would make  
24 use of the directory, that's because they wanted to hire  
25 a truck, a refrigerated truck, perhaps.

1       Q. So, let me ask you this question, which may seem  
2 silly, but I need to ask it nonetheless: So, when you  
3 spoke to the CEOs of trucking companies, they spoke to  
4 you in proper Spanish, correct?

5       A. Correct.

6       Q. Not in slang?

7       A. Correct.

8       Q. Not in gang slang?

9       A. Correct.

10      Q. All right. And, then you also worked for an  
11 airliner?

12      A. Correct.

13      Q. And, it sounds like you were more of a customer  
14 service rep.

15      A. That's correct.

16      Q. So, the subject matter that you dealt with when  
17 dealing with airline clients was just about connecting  
18 flights or missed flights or lost luggage?

19      A. Yes.

20      Q. So, you were working at a call center, much like  
21 when we call now, we get someone from India who speaks  
22 English. Is that -- was that your -- is that where you  
23 were employed, at a call center for the airline?

24      A. For one airline, yes. For the other one, I was at  
25 the airport.

1 Q. At the airport.

2 A. Uh-huh.

3 Q. Okay. And again, when you were dealing with  
4 people who may not have been fluent in English, when you  
5 spoke to them, they were speaking to you in proper formal  
6 Spanish, for the most part?

7 A. For the most part.

8 Q. So, let's get back, now, to when you started  
9 dealing with gang cases. So, you said that you had --  
10 you were unfamiliar with certain terms and you had to ask  
11 that someone provide you -- or a glossary or a dictionary  
12 was provided to you, right?

13 A. Correct.

14 Q. And, this was -- from what you know, it was  
15 compiled by agents?

16 A. Agents, linguists, yes.

17 Q. Well, did you -- what, if any, independent  
18 research did you do yourself to make sure that it was  
19 compiled by linguists or people who should know what  
20 they're doing?

21 A. Um --

22 Q. Did you do anything, or you just took it at face  
23 value?

24 A. Normally, the glossaries or the dictionaries, they  
25 have a name that you can verify, and usually has the

1 linguist or whoever compiled its name on there. But,  
2 yeah, I basically, I just took it for face value, yeah.

3 Q. All right. Now, let's talk about this particular  
4 assignment, this particular case.

5 A. Okay.

6 Q. Were you told what type of case this was?

7 A. No.

8 Q. So, were you told what nationality you believed  
9 that the people who were on those phone calls -- where  
10 they were from?

11 A. I was told where they were from, yes.

12 Q. Who told you that?

13 A. The agent.

14 Q. Which agent?

15 A. I believe it was Greg Horner.

16 Q. All right. And so he -- is that something that  
17 you needed to know or is it standard practice just to go  
18 in there and you independently listen to these phone  
19 calls and do the translation?

20 Or is it the practice that you find out where  
21 these people are from, or maybe get some more  
22 information?

23 MS. MARTINEZ: Objection, Your Honor.

24 Compound question.

25 THE COURT: Sustained.

1                   One question, Mr. Leiva.

2                   MR. LEIVA: Yes, Your Honor. I apologize.

3                   THE COURT: No problem.

4 BY MR. LEIVA:

5                   Q. So, Ms. Portwine, is it your standard practice  
6 that you ask where the individuals are from?

7                   A. I don't -- I don't ask. It's not a standard  
8 practice that I ask.

9                   Q. Okay. So, then, someone just volunteered that  
10 information to you?

11                  This particular agent just came in and volunteered  
12 it to you?

13                  A. Correct.

14                  Q. Is it standard practice within -- and I'm going to  
15 call what you do, let's say, your industry, okay --  
16 within the translation world, that you should not receive  
17 information other than what's -- what you're hearing in  
18 order to transcribe?

19                  Does that make sense?

20                  A. No, it doesn't.

21                  Q. Okay. I -- um, you believe the standard practice  
22 within your industry is to just listen to the calls, and  
23 then you translate what is being heard, or that you  
24 gather as much information as possible in order to  
25 understand what's being heard?

1       A. I -- I don't understand the question. I'm not  
2 sure what you're asking.

3       Q. Okay. So, you weren't told that this was an MS-13  
4 related investigation, were you?

5       A. I was not told it was MS-13.

6       Q. But, you were told that there were Salvadorans who  
7 were speaking with each other?

8       A. Correct.

9       Q. And, I believe you also testified on direct -- and  
10 correct me if I'm wrong -- that your translations were  
11 verbatim?

12      A. That's correct.

13      Q. Okay. What does "verbatim" mean to you,  
14 Ms. Portwine?

15      A. It means to translate exactly what is said, word  
16 for word.

17      Q. So, in other words, it's to translate exactly what  
18 is said, not what you think is being said.

19      A. Correct.

20      Q. So, if someone is using a term like "loco," what  
21 does "loco" mean?

22                    MR. LEIVA: That's l-o-c-o, Madam Court  
23 Reporter.

24                    THE WITNESS: It could mean -- it could have  
25 very many different meanings, even.

1 BY MR. LEIVA:

2 Q. Okay. What's the generally accepted term within  
3 Latin American or Spanish when someone says "loco"?

4 A. A dude.

5 Q. A dude, right?

6 A. Uh-huh.

7 Q. But, in these particular translations, you  
8 interpreted "dude" to "homeboy" or "homie." Do you  
9 recall that?

10 A. Yes.

11 Q. Okay. And, the reason I'm asking you is because  
12 the members of the jury and Judge Lee heard from a gang  
13 expert and a former gang member of how one achieves the  
14 certain ranks of homie, homeboy, and *chequeo*.

15 A. Uh-huh.

16 Q. So, what prompted you, then, to give the  
17 designation of someone, who you're listening to, the  
18 status of homeboy or homie when all they did was use the  
19 word "loco"?

20 A. Well, I did -- I did grow up in Los Angeles, so, I  
21 do know a little bit more about gangs than -- than, maybe  
22 just anybody.

23 Q. Yeah, but you told me you didn't know that this  
24 was a gang case.

25 A. Okay. So, I've been working in this case for a

1 lot longer than just a verbatim. I mean, I talked to the  
2 prosecutor as well. Like, I had worked this case from  
3 the very beginning --

4 Q. Okay.

5 A. -- that, when I was just only told it's El  
6 Salvadoran.

7 THE COURT: Do you recall his question?

8 THE WITNESS: Yeah.

9 THE COURT: His question was: Can you  
10 describe why you chose "homeboy" for the word "loco"?

11 Can you answer that question?

12 THE WITNESS: Yeah. So, because I was using  
13 the gang-specific language to translate the word "loco."

14 BY MR. LEIVA:

15 Q. Okay. So, how is that verbatim, then,  
16 Ms. Portwine?

17 If the term "loco" means dude, how do you jump  
18 from that, when you're saying you're translating  
19 verbatim, to designating someone as homeboy or homie,  
20 since you said that you've been working on this case and  
21 you know about gangs, know that that's a specific  
22 designation that someone has to earn?

23 A. Um --

24 Q. Were you making a judgment call?

25 A. No.

1 Q. You, yourself, deeming that someone reached that  
2 level?

3 A. No, no.

4 Can you ask the question again, please.

5 Q. All right. So, how do you make that jump, then,  
6 to designate someone a homie or homeboy, when the word  
7 that was used during any particular conversation was  
8 "loco"?

9 A. Well, like I said, "loco" is dude for the most  
10 part. But since I did -- I did ask, once I started doing  
11 the verbatim, I asked -- I knew it was already a gang  
12 case.

13 Q. Okay. So --

14 A. That's why I made the assumption to use "homie,"  
15 because "dude" doesn't apply any more.

16 Q. Well, let me stop you there. You said you asked.  
17 Who did you ask and what did you ask?

18 A. Um, I would ask the agent.

19 Q. Which agents?

20 A. At the time, Fernando Uribe.

21 Q. And what would you ask Agent Uribe?

22 A. I just asked him, are they gang members?

23 Q. That's it? Nothing more?

24 A. Yeah, I mean -- no, not really.

25 Q. So, then, am I correct to assume, then, that when

1 you were doing this verbatim, as you call it,  
2 translation, you were now doing it through the filter of,  
3 this is the FBI going after MS-13?

4 A. No.

5 Q. Well, you said that you were involved in this case  
6 from the beginning. What does that mean?

7 What was your involvement with this case from the  
8 beginning?

9 A. I was doing the summaries. I was listening to the  
10 consensual recorded conversations and doing, translating  
11 the summaries, translating into summaries.

12 Q. So it would be fair to say, then, Ms. Portwine,  
13 that you weren't a neutral party, right?

14 You're not walking in here as a neutral  
15 translator.

16 A. Yes, I am.

17 Q. Okay. So, you were employed with the FBI. You've  
18 been involved in this case since the beginning. You were  
19 told that this is a gang case. You were told they were  
20 Salvadorans. And certain words that have certain common  
21 meanings, you were skewing them more to fit this  
22 narrative that this is a gang case.

23 MS. MARTINEZ: Objection, Your Honor.

24 Compound question.

25 THE COURT: Overruled.

1 BY MR. LEIVA:

2 Q. Isn't that what you were doing?

3 A. That's -- that's what is necessary when you  
4 translate. That's what you do.

5 Q. So, when you're translating, like you say,  
6 verbatim, you're saying it's necessary to skew it to one  
7 way or the other?

8 A. You know -- yeah, to -- to -- to what you're  
9 listening.

10 Q. Now, I see that there are names that were  
11 associated in these transcripts. Did you put those names  
12 in your -- your transcripts, or did someone else do them?

13 And by that -- I'm sorry. What I mean by "name,"  
14 I don't mean the names in the actual context of the  
15 conversations, but who they are attributed to, who made  
16 what as far as statements. Did you decipher those names  
17 or did someone give you those names to put in there?

18 A. Someone gave me the names.

19 Q. Okay. Who is the person that gave you the names?

20 A. Fernando Uribe.

21 Q. Okay. The same agent who told you that this was  
22 an MS case?

23 A. Yes.

24 Q. What does *caen que caen* mean to you?

25 THE COURT: Spell that, please.

1 BY MR. LEIVA:

2 Q. C-a-e-n, space, separate word is q-u-e, separate  
3 worth is c-a-e-n.

4 A. *Caen que caen?*

5 You're asking me what it means?

6 Q. Yes, I'm asking you what it means. What is the  
7 verbatim translation of that?

8 A. I'm sorry -- put me on the spot. Um, whoever  
9 falls, falls.

10 Q. Okay. Now, do you recall translating a call where  
11 you assert that the person was saying: We get them, we  
12 get them, or do you mean here?

13 A. I would need to hear it.

14 Q. Okay.

15 A. I don't recall.

16 Q. That's fine.

17 MR. LEIVA: Your Honor, I think for -- what I  
18 can do to make this a little more expeditious is let me  
19 finish my questions, and I can go back and -- and play  
20 that.

21 THE COURT: Okay.

22 BY MR. LEIVA:

23 Q. Now, you also talked about how your work is  
24 reviewed by your supervisor. Is it a supervisor or is it  
25 just a colleague?

1 A. It's a colleague.

2 Q. It's a colleague.

3 A. Uh-huh.

4 Q. And, how is it that your colleague goes about  
5 reviewing what you just translated?

6 Does your colleague listen to the audio portion  
7 and then they come up with their own transcript and  
8 compare it to yours, or how is it done?

9 A. Um, the -- I don't know how they do it, but the  
10 way I do it, the way we're supposed to do it in the  
11 office, is that they listen and they make -- they track  
12 changes on the Word document, make suggestions, and the  
13 changes are tracked.

14 Q. Now, I noticed that your transcripts are different  
15 from what I've seen before, and let me -- let me give you  
16 a little background. I've seen some where there's two  
17 columns --

18 A. Uh-huh.

19 Q. -- what's written out in Spanish, transcribed,  
20 what they've heard -- what the translator has heard, and  
21 then next to it is what it is in English, so that person  
22 can see line from line what's being said and what's being  
23 translated to English.

24 A. Right.

25 Q. You didn't do that in this case, right?

1 A. I did not.

2 Q. Okay. So, are you telling us, then, when your  
3 colleague reviews your work, they don't have something  
4 like that right next to each other to compare, to see  
5 whether your translation is accurate or not?

6 A. They do not have anything like that, no.

7 Q. Okay. They just listen to it?

8 A. They listen to it, yes.

9 Q. So, the colleague who was reviewing your work,  
10 when it came to this issue of home boys and homies, did  
11 the same thing that you did, right?

12 They heard the word "loco" and determined that  
13 that is the equivalent of a homeboy or a homie?

14 A. I -- I imagine so, yeah.

15 Q. And how many times do you think your colleague  
16 reviewed the work that you did?

17 Now, when I mean (sic) how many times, I mean for  
18 each transcript. Do they just review it once or do they  
19 review it several times?

20 A. Um, I would -- if -- when I'm doing it, I do it  
21 several times. I don't know how many times they would do  
22 it.

23 Q. And, if they believe that you made a mistake --

24 A. Uh-huh.

25 Q. -- how is that brought to your attention?

1           How is that dealt with?

2       A. Like I said, it's underlined or it's in red. It  
3 track changes on Word software. So, it turns red and  
4 there's a line through it.

5       Q. All right. And how ultimately is it revolved?

6           Who gets the last call on this --

7       A. That --

8       Q. -- as far as who is right?

9       A. That would be the original linguist.

10      Q. I'm sorry?

11      A. The original person, the original linguist.

12      Q. So then, when you see your colleagues review it,  
13 it's more just a suggestion. If they think that  
14 something may have a different meaning, they just suggest  
15 that you, but ultimately it's your decision whether you  
16 make the change or not?

17      A. Yes.

18      Q. And, I believe the -- the woman who reviewed your  
19 work is a Ms. LaSalle?

20      A. Correct.

21      Q. Okay. Where is she from?

22      A. She's from Mexico.

23      Q. Mexico as well.

24      A. Uh-huh.

25      Q. Okay. Ms. Portwine, I'm going to see if this

1 works, okay? I've got a speaker here, and I'm --  
2 hopefully you'll be able to hear it.

3 MR. LEIVA: Let me see if I can find this.

4 MS. MARTINEZ: Your Honor, I would ask  
5 that -- that Mr. Leiva identify the exhibit number, and  
6 also allow Ms. Portwine to look at the transcript while  
7 she's listening.

8 MR. LEIVA: I will.

9 Ms. Portwine, Counsel, it will be  
10 Exhibit 7-A, page nine, the eighth sentence on page nine.

11 THE COURT: I want to make sure I understand.  
12 I thought you said this transcript was not in Spanish.  
13 It's just English, right?

14 MR. LEIVA: It is in English.

15 THE COURT: Well, doesn't she speak Spanish?

16 MR. LEIVA: Yes.

17 THE COURT: So why does she need to look at  
18 the transcript, if she wrote it?

19 MR. LEIVA: The government is the one who has  
20 asked that I reference the transcript, Your Honor. I  
21 mean -- so, there's going to be some contention as to  
22 what she translated in English.

23 THE COURT: Well, let's let her hear what she  
24 heard first, and then she can translate it.

25 MR. LEIVA: I will, Your Honor.

1                   THE COURT: She doesn't need to look at it  
2 yet.

3                   Just listen. We want to know how you did it.  
4 Just listen. Okay?

5                   THE WITNESS: Okay.

6                   (Pause.)

7                   MR. LEIVA: I apologize, Your Honor. I had  
8 to cue it up.

9                   THE COURT: Take your time.

10                  MR. LEIVA: Your Honor, may I do it this way?  
11 May I let my co-counsel go forward, because apparently --

12                  THE COURT: Sure. Go ahead.

13                  MR. LEIVA: And then I'll just find the  
14 actual CD? Because I have a backup system and I can't  
15 find it. So --

16                  THE COURT: Okay.

17                  MR. LEIVA: -- if I could reserve?

18                  THE COURT: Sure.

19                  MR. LEIVA: Yes.

20                   CROSS-EXAMINATION

21                  BY MR. AQUINO:

22                  Q. Good morning. Jerry Aquino on behalf of Jesus  
23 Chavez, along with my co-counsel, Ms. Amato.

24                  A. Good morning.

25                  Q. I just have a few questions for you.

1 A. Yes, sir.

2 Q. You indicated, as to the speakers, that you got  
3 the information as to who the speakers were from the FBI;  
4 is that correct?

5 A. Correct.

6 Q. And specifically, Agent Uribe; is that accurate?

7 A. That's correct.

8 Q. So you're relying upon information that Mr. Uribe  
9 provides you to be accurate; is that correct?

10 A. Yes.

11 Q. Okay. And do you know where the agent got his  
12 information as to who the speakers were?

13 A. I don't know where.

14 Q. Okay. Now, did you ever meet, in this case, with  
15 any gang members themselves?

16 A. Never did.

17 Q. Okay. So, you never got, for example, an actual  
18 El Salvadoran gang member's assistance in going through  
19 some of the information that you have in this case?

20 A. We -- we actually did, but it wasn't -- it wasn't  
21 a gang member for this particular. But we had, through  
22 the agent, we would ask questions for meanings and stuff  
23 like that --

24 Q. Okay. And so --

25 A. -- with other people that the agent knows.

1 Q. And again, you're making the assuming that the  
2 gang member who was providing the information to the  
3 agent was being truthful; is that correct?

4 A. Correct.

5 MR. AQUINO: That's all the questions I have.

6 THE COURT: Anyone else?

7 (No response.)

8 THE COURT: Okay.

9 Mr. Leiva, are you done?

10 MR. LEIVA: Your Honor, no. Someone else?

11 I just need five minutes, Your Honor.

12 THE COURT: Okay.

13 MR. LEIVA: I just don't know where I got  
14 it -- where it went.

15 (Pause).

16 MR. LEIVA: Your Honor, may I speak to  
17 counsel real quick?

18 THE COURT: Sure.

19 (Pause.)

20 MR. CRAWLEY: Your Honor?

21 THE COURT: Yes.

22 MR. CRAWLEY: My client needs to use the  
23 restroom. So while he's waiting on this --

24 THE COURT: All right. We'll take a brief  
25 recess. Thank you. Let's make it 15 minutes.

1 (Court recessed at 10:45 a.m. and reconvened  
2 at 11:02 a.m.)

3 THE COURT: Bring our jury out, please.

4 You may be seated.

5 Ready to proceed?

6 MR. LEIVA: Yes, Your Honor. Again I  
7 apologize. Thank you for your patience.

8 FURTHER CROSS-EXAMINATION

9 BY MR. LEIVA:

10 Q. Ms. Portwine, let me ask you -- have you listen to  
11 the little segment, and let me know if you can hear it.

12 (Audio played.)

13 MR. LEIVA: Just rewind it back just a little  
14 bit.

15 (Audio played.)

16 BY MR. LEIVA:

17 Q. What did you hear?

18 A. (Spanish spoken).

19 Q. Well, can you say *hijos*?

20 Did you hear the word *hijos* in there?

21 A. Play it again.

22 Q. Yes, ma'am.

23 THE COURT: You will have to interpret this  
24 for us English-speaking people.

25 MR. LEIVA: Yes.

1 (Audio played.)

2 | BY MR. LEIVA:

3       Q. So, I'd like you to focus on *caen que caen*. What  
4 is the verbatim translation of *caen que caen*?

A. Fall that they fall.

6 Q. Okay. Good. All right.

7           And if you could look at page nine -- do you still  
8 have that in front of you, Ms. Portwine?

9 | (Pause.)

10 A. Yes.

11 Q. All right. You just said that the verbatim  
12 translation of that was, if they fall, they fall.

13 A. Yes.

14 Q. What you transcribed is: We get them, we get  
15 them.

16 That's completely different from if they fall,  
17 they fall. Would you agree?

18 A. Yes.

Q. So, you -- would you agree that the --

20 MR. LEIVA: Well, that's all I have, Your  
21 Honor.

22 | Excuse me.

23 | (Off the record with counsel.)

24 MR. LEIVA: That's all I have, Your Honor.

25 | Thank you, Ms. Portwine.

1 THE COURT: Redirect.

2 REDIRECT EXAMINATION

3 BY MS. MARTINEZ:

4 Q. Good morning, Ms. Portwine.

5 A. Good morning.

6 Q. Defense counsel asked you a lot about different  
7 dialects of Spanish, right?

8 A. Right.

9 Q. Where in LA did you grow up?

10 A. Los Angeles, in Montebello.

11 Q. What's significant about Montebello?

12 A. It's right in the middle of gang territory.

13 Q. What is it known for?

14 A. Um, not much.

15 Q. Are you familiar with the history of MS-13?

16 A. I am.

17 MR. AQUINO: Objection, Judge. I think she's  
18 altering now this person's scope of ability that has been  
19 noticed.

20 THE COURT: Sustained.

21 BY MS. MARTINEZ:

22 Q. What is -- the neighborhood where you grew up,  
23 was --

24 MR. AQUINO: Same objection, Judge.

25 THE COURT: Are you focusing on her testimony

1 or --

2 MS. MARTINEZ: Her Spanish language  
3 abilities, Your Honor.

4 THE COURT: All right. Well, what was your  
5 question? What is the neighborhood known for?

6 MS. MARTINEZ: I was actually going to ask  
7 about her -- was asking -- I first asked what was the  
8 neighborhood known for, which Your Honor sustained.

9 I was moving on to a question about her  
10 experience in her neighborhood.

11 THE COURT: Experience with the language?

12 MS. MARTINEZ: Yes, Your Honor.

13 THE COURT: Well, focus the question on  
14 experience with the language. Let me hear the question  
15 first. Go ahead.

16 BY MS. MARTINEZ:

17 Q. You said that you grew up in the Montebello  
18 neighborhood in Los Angeles; is that right?

19 A. That's correct.

20 Q. And you also said that Montebello is the middle of  
21 gang territory; is that correct?

22 A. That's correct.

23 Q. Growing up, did you have experience listening to  
24 people whom you believed were gang members?

25 MR. AQUINO: I renew the objection. Same

1 objection.

2 THE COURT: Sustained.

3 BY MS. MARTINEZ:

4 Q. When was the first time you heard Salvadoran  
5 Spanish?

6 A. A long time ago, in high school.

7 Q. Where were you in high school?

8 A. In Montebello.

9 Q. And how was it that you heard Salvadoran Spanish  
10 in Montebello?

11 A. There were other Salvadorians in the area.

12 Q. Were you able to understand them?

13 A. Yes.

14 Q. In high school when you heard Salvadorans speaking  
15 Spanish, was there times when they spoke in slang?

16 A. Yes.

17 Q. And were you able to understand them?

18 A. Yes.

19 Q. Now, moving forward to your experience with the  
20 FBI, you were asked a number of questions about how you  
21 became familiar with MS-13 slang and dialect.

22 A. Yes.

23 Q. During your time with the FBI, have you ever  
24 worked with or consulted law enforcement officers from El  
25 Salvador?

1 A. Yes.

2 MR. AQUINO: Judge, I note the objection is  
3 the same objection, starting to morph here from what's  
4 been noticed.

5 THE COURT: Sustained.

6 MS. MARTINEZ: Your Honor, may we approach on  
7 that issue?

8 THE COURT: No. Go ahead.

9 BY MS. MARTINEZ:

10 Q. How have you become familiar with dialects spoken  
11 by those from El Salvador?

12 A. Again, we have glossaries. I have done research  
13 on the Internet --

14 MR. AQUINO: Same objection, Judge, again.

15 THE COURT: Well, the answer demonstrates.  
16 The objection IS sustained.

17 MS. MARTINEZ: Your Honor, if I may, Your  
18 Honor, we had moved previously to recognize Ms. Portwine  
19 as an expert in Spanish language, with additional  
20 expertise on El Salvadoran dialect and MS-13 dialect. At  
21 this point we would ask the Court to recognize her as  
22 such.

23 MR. AQUINO: I object, to the extent that  
24 they're attempting to morph the designation to something  
25 more than what's been provided.

1                   THE COURT: She's qualified as a Spanish  
2 language linguist, not for an expert in El Salvadoran or  
3 MS-13 dialect, is that right, Ms. Martinez?

4                   MS. MARTINEZ: Your Honor --

5                   THE COURT: She was never qualified as an  
6 MS-13 expert on language, was she?

7                   MS. MARTINEZ: Not on MS-13, Your Honor, but  
8 on dialects. And as she has established and as defense  
9 counsel has established, in different countries, natives  
10 from different countries speak different dialects. And I  
11 believe, Your Honor, during direct examination on  
12 Thursday, we moved to have her acknowledged as an expert  
13 in the Spanish language, as well as dialects,  
14 specifically from El Salvador and MS-13. And we would  
15 renew that at this time, Your Honor.

16                  THE COURT: I don't recall that. I don't  
17 recall her being qualified as an -- to testify about El  
18 Salvadoran -- MS-13 or El Salvador. I recall her being a  
19 linguist.

20                  MS. MARTINEZ: Not -- not about El Salvador  
21 or about MS-13, Your Honor. I want to make sure I'm very  
22 clear and very clear for the record. I'm talking about  
23 her linguist abilities.

24                  And so based on the foundation that she's  
25 established about different dialects being spoken by

1 individuals from different countries, Your Honor, we had  
2 asked that she be recognized as an expert Spanish  
3 linguist with expertise in the El Salvadoran dialects,  
4 the spoken Spanish language by those who are native El  
5 Salvadorans, as well as those who are associated with  
6 MS-13, based on the foundation she laid that there are  
7 different dialects spoken.

8 MR. AQUINO: Objection --

9 MS. MARTINEZ: Only as to the Spanish  
10 language, Your Honor, not as to culture or anything like  
11 that.

12 MR. AQUINO: I think they are morphing her,  
13 essentially, into a gang expert, and she has not been  
14 notified for that.

15 THE COURT: All right. The clerk's notes  
16 says Spanish language translation and El Salvadoran. It  
17 says MS-13, but I don't remember saying anything about  
18 MS-13, because I don't have any evidence that she's  
19 expert on MS-13.

20 So she can testify as to El Salvadoran  
21 dialects, but not necessarily MS-13. As far as we know,  
22 she just gathered information from the police.

23 MS. MARTINEZ: And just to be clear, the  
24 request is not that she be able to testify about MS-13,  
25 Your Honor, but about dialects spoken by gang members.

1                   If Your Honor would like, I can walk through  
2 that foundation again, but --

3                   THE COURT: No, I just want to make sure  
4 we're saying the same thing.

5                   MS. MARTINEZ: Yes, Your Honor.

6                   THE COURT: She can testify about Salvadoran  
7 dialects, but she cannot testify about what MS-13 gang  
8 parlance is, except to the extent she testified about  
9 what she received from glossaries from the police. She  
10 has already testified about that, right?

11                  MS. MARTINEZ: She -- she has also testified  
12 about other ways in which she's familiar with gang slang,  
13 not just from glossaries, Your Honor, and that includes  
14 her experience growing up on the streets of Los Angeles  
15 in -- right -- right in the middle of gang territory.

16                  THE COURT: She never said anything about  
17 MS-13 about where she grew up, having -- I don't want  
18 to -- I don't want to prolong this any more than  
19 necessary.

20                  MS. MARTINEZ: Yes, Your Honor.

21                  THE COURT: If you want to focus on  
22 Salvadoran dialect. Go ahead.

23                  MS. MARTINEZ: Thank you.

24                  THE COURT: But as far as we can tell, her  
25 information about MS-13 slang came from the police.

1 MS. MARTINEZ: Your Honor, I would like to  
2 have permission on redirect to explore that further,  
3 because --

4 THE COURT: If you have glossaries here and  
5 the dictionaries here, let me see them.

6 MS. MARTINEZ: Your Honor --

7 THE COURT: Go ahead.

8 MS. MARTINEZ: -- if I may, I just want to  
9 ask questions beyond the -- about how she learned this  
10 slang in addition to glossaries. May I?

11 THE COURT: If you can lay a foundation, go  
12 ahead.

13 MS. MARTINEZ: Yes, Your Honor.

14 BY MS. MARTINEZ:

15 Q. During your time working with the FBI, have you  
16 worked with law enforcement officials from El Salvador?

17 A. Yes.

18 Q. What was the purpose of working with law  
19 enforcement officials from El Salvador?

20 A. It was to learn the language and the way they --  
21 the way they speak.

22 Q. And when you say "they," who are you talking  
23 about?

24 A. Um, gang members, Salvadorians, gang members.

25 MR. AQUINO: Judge, I renew the objection. I

1 think she is morphing into a gang expert.

2 THE COURT: An expert can rely upon hearsay  
3 from others. But I think it will be necessary for her to  
4 give some more information about who were the police  
5 officers she spoke to, and when all that occurred.

6 And a policeman is not a gang member, right?

7 MS. MARTINEZ: Correct, Your Honor.

8 THE COURT: All right.

9 BY MS. MARTINEZ:

10 Q. Now, you said a -- we talked about law enforcement  
11 from El Salvador. What kind of law enforcement?

12 A. Um, I believe it's the Anti-gang Unit.

13 Q. And, how many of these law enforcement officials  
14 have you worked with or learned from during your  
15 experience at the FBI?

16 A. At least two.

17 Q. When was that?

18 A. The first one was five years ago, when -- with my  
19 very first case, and the last one was just recently. And  
20 there was a couple in between, but, I don't recall  
21 exactly when.

22 Q. Prior to your experience at FBI, have you ever  
23 listened to, been exposed to, gang slang?

24 A. Yes.

25 Q. MS-13 specifically?

1 A. Yes.

2 Q. When?

3 A. Um, when I worked for --

4 MR. AQUINO: Objection, Judge. Again, I  
5 think she is essentially getting into MS-13 parlance, as  
6 some type of expert, apparently. The government is  
7 trying to elicit that from her.

8 THE COURT: That isn't what you're trying to  
9 do? That isn't what you're trying to do.

10 MS. MARTINEZ: Not necessarily parlance, Your  
11 Honor, but dialect, and the fact that different people  
12 from different cultures and different countries speak  
13 slightly differently.

14 Defense counsel drew this out, and she  
15 answered on cross- -- direct -- excuse me --  
16 cross-examination, that there are words in Spanish that  
17 may have many different meanings, depending on context or  
18 depending on the origin of the person who is speaking.

19 I'm laying the foundation that she is able to  
20 understand these different dialects and translate them  
21 properly. She must be able to do so in order to  
22 translate the calls that she's heard.

23 I have other foundation to lay as well. We  
24 believe we laid foundation on direct examination, but she  
25 has ample experience, both listening to and translating

1 El Salvadoran Spanish as well as Spanish generally.

2 She also has significant experience, both  
3 within the FBI and outside of the FBI, of listening to  
4 and understanding Spanish spoken by gang members.

5 MR. LEIVA: Yes, Your Honor. What came out  
6 on cross-examination was that she was unfamiliar with the  
7 MS-13 gang slang; therefore, she relied on police  
8 officers and/or glossaries.

9 That's what came out. There was nothing came  
10 out that she knew what these terms were used by MS-13  
11 before that. She wasn't familiar with it. And she was  
12 given these -- this dictionary or the glossary that was  
13 compiled by the police.

14 MS. MARTINEZ: Your Honor, I think that's an  
15 exaggeration of what --

16 THE COURT: Well, let me do this --

17 MS. MARTINEZ: -- defense counsel  
18 established.

19 THE COURT: Let me do this -- I'll be the  
20 judge of that.

21 I'll sustain the objection.

22 MS. MARTINEZ: Thank you.

23 BY MS. MARTINEZ:

24 Q. I would like to talk about the list of terms or  
25 the dictionaries that you were referencing on

1 cross-examination.

2 A. Yes.

3 Q. When you are listening to Spanish language  
4 recordings, in addition to consulting dictionaries, how  
5 do you go about understanding what's being said in the  
6 Spanish language recordings?

7 A. Well, when you listen to it, you have to put  
8 everything in context. So --

9 Q. Tell us what that means. What do you mean by "put  
10 it in context"?

11 A. Well, when you -- when you're listening to  
12 something, um, you -- you have to listen to it, and you  
13 cannot just translate it word for word, because sometimes  
14 it's not going to make sense.

15 It's -- it's -- some things just don't translate  
16 directly. There's no direct word-for-word translation.  
17 Even in English words have more than one meaning, so, the  
18 same thing with Spanish and the same thing when I  
19 translate.

20 And -- (pause) --

21 Q. You also testified that you listened to thousands  
22 of hours of recordings in this case specifically; is that  
23 right?

24 A. That's right.

25 Q. Can you estimate approximately how many hours of

1 recordings you've listened to in this case?

2 A. Um, in this particular case, it was about 3,000 or  
3 more hours.

4 Q. And, in the -- while listening to those  
5 3,000 hours of recordings, how, if at all, did that  
6 inform your ability to understand what was being spoken  
7 in the recordings?

8 A. Well, again, by the context of the conversation,  
9 and context clues, sentence clues, the way they speak,  
10 the way they talk, the way they talk to each other.

11 Um, like he said, like for homie, I mean, you  
12 can't just put "dude" on there because they don't say  
13 homie -- they don't say "dude" to just about anybody.  
14 They only say it to certain people, loco, you know.

15 So, you just have to put it in context. You  
16 cannot just say, oh loco -- well, "loco" means crazy,  
17 too, but is that the context? It doesn't fit.

18 And that's what we're taught in school, too, like,  
19 look at sentence clues, look at other things, to make  
20 sure that it makes sense to the whole conversation.

21 And that's part of the reason why I also -- I also  
22 read it without the audio. Does it make sense in the  
23 whole conversation?

24 Q. Well, you keep talking about context. Is context  
25 something that someone else is telling you, or is that

1 coming from your own observations?

2 A. That's my own observations.

3 Q. And your own observations doing what?

4 A. Listening, knowing, learning every day, listening  
5 to what's going on, and -- just -- (pause).

6 Q. After listening to approximately 3,000 hours of  
7 Spanish language recordings in this case, was it apparent  
8 to you what country of origin most of the speakers were  
9 from?

10 A. Absolutely.

11 Q. And, setting aside this case, but just generally  
12 speaking, when you listen to lengthy Spanish recordings,  
13 are you able to tell what country of origin, what dialect  
14 they're using?

15 A. Yes.

16 Q. So, in other words, do you need someone to tell  
17 you what dialect it is?

18 A. No.

19 Q. What country of origin were most of the speakers  
20 in these 3,000 hours of recordings you listened to from?

21 A. El Salvador.

22 Q. All right. And in addition to -- setting aside  
23 what anyone may or may not have told you, were you able  
24 to tell, by listening to these 3,000 hours of recordings,  
25 whether or not some of the speakers spoke like gang

1 members?

2 A. Yes.

3 Q. And did they?

4 A. They did.

5 Q. And, did -- how, if at all, did that inform the  
6 way --

7 MR. LEIVA: Objection.

8 BY MS. MARTINEZ:

9 Q. -- that you translated these calls?

10 MR. LEIVA: Objection.

11 THE COURT: The objection?

12 MR. LEIVA: The last comment. She's asked  
13 for an opinion now. She's basically testifying as a gang  
14 expert.

15 She's now asked the jury for her to make the  
16 decision on ultimate fact that's an issue of one of these  
17 counts, is whether someone is a gang member or not.

18 THE COURT: Objection sustained.

19 BY MS. MARTINEZ:

20 Q. When you're listening to a Spanish language  
21 recording and you come to your own conclusion about what  
22 dialog they're speaking -- dialect they're speaking, how,  
23 if at all, does that affect your ability -- the way that  
24 you translate that recording?

25 A. Well, it affects it because that's -- those are

1 the kinds of words I'm going to look for to translate it,  
2 and I'm going to go to that specific dialect, those  
3 meanings, the way they -- the way they make up -- the way  
4 they speak.

5 Q. But you used the word "loco," l-o-c-o, as an  
6 example.

7 A. Right.

8 Q. What are some of the meanings that "loco" can  
9 have, setting aside context?

10 A. Crazy, dude, um, man, um -- I mean, those are just  
11 three that I can think of right now.

12 Q. And, homeboy, too, right?

13 MR. AQUINO: Objection.

14 BY MS. MARTINEZ:

15 Q. That's what defense counsel --

16 MR. AQUINO: Objection.

17 THE COURT: Sustained. Sustained.

18 BY MS. MARTINEZ:

19 Q. When you hear the word "loco" in a Spanish  
20 language recording, how do you tell what to translate it  
21 as?

22 A. Again, by what was said before, by what they're  
23 talking about, by what's said afterwards. You don't just  
24 look at each word and that's it. You look at the whole  
25 thing, the whole sentence.

1       Q. Now, defense counsel also asked you about the  
2 names, the identities of the speakers in these  
3 recordings.

4       A. Yes.

5       Q. Okay. Now, you weren't responsible for  
6 identifying who was speaking in the recordings; is that  
7 right?

8       A. That's correct.

9       Q. When you initially prepared your verbatim, did you  
10 include the names of the people who were speaking?

11      A. Initially, no, I did not.

12      Q. And, in the versions that we looked at on  
13 Thursday, the exhibits for this court case, were there  
14 names included to identify the speakers?

15      A. Yes, they were.

16      Q. Do you know who was responsible for identifying  
17 those names?

18      A. I -- I believe -- it's an assumption, but Fernando  
19 Uribe, the agent.

20      Q. Do you know, from your personal knowledge, who was  
21 responsible for identifying the speakers in these many  
22 calls?

23      A. No.

24      Q. And just to be clear about what your work product  
25 is in these transcripts --

1 A. Uh-huh.

2 Q. -- the cover page of these transcripts includes  
3 date, time, phone numbers, that sort of thing; is that  
4 right?

5 A. That's correct.

6 Q. Where does that information come from?

7 A. It comes from the recordings.

8 Q. Defense counsel also asked about the review  
9 process for some of these -- these verbatim recordings --

10 MR. AQUINO: Objection, Judge. It's implicit  
11 in that question that these are verbatim recordings.  
12 That subject is in dispute. I submit that the testimony  
13 has been they're not verbatim.

14 THE COURT: Well, this is her witness. I'm  
15 going to allow her to use the word.

16 Go ahead.

17 BY MS. MARTINEZ:

18 Q. Defense counsel asked you about the review process  
19 for these verbatim translations that you prepared for  
20 this case.

21 A. Yes.

22 Q. Setting this case aside, in your standard work  
23 within the FBI, is your work reviewed from time to time?

24 A. Yes, it is.

25 Q. And, why is it reviewed from time to time?

1       A. To make sure that I'm accurate and I'm doing a  
2 good job.

3       Q. How often is your work reviewed?

4       A. At least once a year.

5       Q. And what happens after the review?

6           Are you informed of any sort of conclusion?

7       A. Yes.

8       Q. And, what is the nature of how you're -- of what  
9 you're informed?

10           MR. AQUINO: Objection as to hearsay, Judge.

11           THE COURT: You asked her to report the  
12 report of a review of her work. That would be hearsay,  
13 wouldn't it?

14           MS. MARTINEZ: Your Honor, perhaps it was a  
15 bad question, but I was asking, in other words, what were  
16 the options of the responses.

17           MR. AQUINO: Objection. Again, I think it's  
18 attempting to elicit hearsay.

19           THE COURT: It is.

20           MS. MARTINEZ: In other words, is it  
21 pass/fail? Is there a grade? Is there a score? The way  
22 that she gets feedback.

23           THE COURT: Ask that question. That was not  
24 the question you asked.

25           MS. MARTINEZ: It was perhaps a bad question.

1 I apologize.

2 BY MS. MARTINEZ:

3 Q. When your work is reviewed and you get feedback,  
4 what is the nature of that feedback?

5 In other words, is it a pass/fail?

6 Do you get a score?

7 MR. AQUINO: Same objection, Judge.

8 THE COURT: It doesn't call for hearsay. She  
9 didn't ask what score she received. That would be  
10 hearsay.

11 You can ask her.

12 BY MS. MARTINEZ:

13 Q. What is the nature of the response that you get  
14 when your work is reviewed?

15 Not a specific review; what is the nature of that  
16 response?

17 A. It's just a pass/fail.

18 Q. And, over the course of your experience as a  
19 contractor linguist with the FBI, approximately how many  
20 times has your work been reviewed?

21 A. At least six times.

22 Q. Are you currently in good standing as a contract  
23 linguist with the FBI?

24 MR. AQUINO: She's asking for hearsay, Your  
25 Honor.

1                   THE COURT: Overruled.

2 BY MS. MARTINEZ:

3       Q. Are you currently in good standing as a contract  
4       linguist with the FBI?

5       A. Yes, I am.

6       Q. Now, you also testified about the review of the  
7       transcripts that you prepared for this case.

8       A. Yes.

9       Q. And, you testified that you are the final arbiter  
10      of any disputes.

11      A. That's correct.

12      Q. Were there significant disputes?

13      A. Not really, no.

14                   MS. MARTINEZ: Thank you, Your Honor.

15                   THE COURT: All right.

16                   May the witness be excused?

17                   MS. MARTINEZ: Yes, Your Honor.

18                   THE COURT: You're free to leave. Thank you  
19      for coming.

20                   (Thereupon, the witness withdrew from the  
21      stand)...

22                   (End of requested excerpt.)

23                   ---

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## CERTIFICATE OF REPORTER

4 I, Renecia Wilson, an official court  
5 reporter for the United States District Court of  
6 Virginia, Alexandria Division, do hereby certify that I  
7 reported by machine shorthand, in my official capacity,  
8 the proceedings had upon the excerpt testimony in the  
9 case of UNITED STATES OF AMERICA v. JOSE LOPEZ TORRES, et  
10 al.

I further certify that I was authorized and did report by stenotype the proceedings in said excerpt testimony, and that the foregoing pages, numbered 1 to 54, inclusive, REQUESTED EXCERPT, constitute the official transcript of said proceedings as taken from my shorthand notes.

18 IN WITNESS WHEREOF, I have hereto subscribed  
19 my name this 22nd day of April, 2016.

Renecia Wilson, RMR, CRR  
Official Court Reporter